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M E M O R A N D U M

DATE: August 11, 2005

TO: All Trial Court Judges
cc: Clerks of the Court

FROM: Nial Raaen, Director

SUBJ: SCAO Administrative Memorandum 2005-06
Records Management–Technical Standards for Microfilm and Imaging

2004 Public Act 572, effective January 3, 2005, added imaging as an acceptable means for migrating court records from paper to microfilm. (MCL 24.401 – 24.406) Prior to this Act, courts could only produce microfilm directly from paper. Now, courts may microfilm from digitized records by downloading records from imaging systems to digital format and then to microfilm.

In order to ensure the integrity of trial court records and to adequately comply with the long-term retention periods required by statutes and court rules, trial courts must comply with the technical standards recently adopted by the Michigan Department of History, Arts, and Libraries. In addition, the Department has issued best practices which should be observed except as otherwise indicated in this Administrative Memorandum or where they are in conflict with the Michigan Trial Court Case File Management Standards, court rules and statutes, and General Schedule 16-Records Retention and Disposal Schedule for Michigan Trial Courts.

The standards are found under the following titles:

Technical Standards for Capturing Digital Images from Paper or Microfilm
Technical Standards for Capturing Microfilm Images from Paper
Technical Standards for Microfilming Digital Records

The best practices are found under the following titles:

Best Practices for Reproducing Public Records
Best Practices for Capture of Digital Images from Paper or Microfilm
Best Practices for the Microfilming of Paper Records
Best Practices for the Microfilming of Digitized Records

SCAO Administrative Memorandum 2005-06

Records Management – Technical Standards for Microfilm and Imaging

August 11, 2005

Page 2

Imaging is acceptable for active document retrieval systems within the trial court, but it shall not be used for purposes of record retention. Items 3.3 and 3.4 in Best Practices for Reproducing Public Records outline the recommended uses of microfilm and digital imaging and reinforce that microfilming is designed primarily for retention of inactive documents, whereas imaging is designed to provide rapid retrieval and distribution of active documents.

Trial courts must maintain all original records for the statutory minimum retention period. If a court chooses to destroy an original record after this minimum retention period, it may do so only after microfilming that original record. Once the maximum retention period has expired, the court may dispose of the microfilm, provided it contains no records that are to be maintained permanently, such as the register of actions. Refer to General Schedule 16 for details.

Questions may be directed to Amy Byrd at (517) 373-4864.